

The Iowa Civil Rights Commission has undergone substantial changes this past year including a change in the focus and direction of the Commission, changes in personnel, changes in the way we process complaints and implementation of production and performance standards. The ICRC undertook significant steps to improving the timeliness and competency with which complaints of discrimination are processed through a major overhaul of the way the ICRC processes claims from beginning to end.

In FY11, we've had a number of personnel changes, some voluntary, some not. A number of the most senior employees have retired in the past year. The agency has hired 8 new Civil Rights Specialists, six of whom are law school graduates. We reclassified three civil rights specialists' positions to administrative clerks because the work being performed in the affected areas was primarily clerical in nature. We reorganized the administrative unit so that each person in the unit is trained to perform all

functions of the unit. This helps reduce delays or disruption of service caused by the normal absences of employees. As a result of the reclassification and reorganization, we now have three full time employees performing the same work previously completed by four full time and two part time employees in our administrative unit.

After a complaint is received by the agency and reviewed to ensure we have jurisdiction, it is initially screened by a civil rights specialist after each party is sent a series of questionnaires based on the initial complaint. Special emphasis was made in the screening unit on improving the quality of the analysis of the initial screening decisions by improving the legal analysis and providing more in-depth review of the available information. I have received positive feedback from both plaintiff and defense attorneys regarding the improved quality and analysis of the each case at the screening stage.

The mediation process was moved from a single in-house mediator to volunteer attorney mediators.

Mediation coordination of the volunteer attorneys and parties is now conducted by the administrative units. We currently have 22 volunteers who are by and large very experienced attorneys and retired judges who have generously agreed to conduct pro bono mediations. The experience and legal knowledge of our volunteers helps to resolve cases at an earlier state in the process with the corresponding reduction of litigation either before the agency or in state and federal courts.

The investigative process for non-housing cases was completely revamped during a Kaizan event. Kaizan is a problem solving exercise whereby the process under review is broken into its most elementary steps to identify and eliminate areas of delay and inefficiency.

Investigations are now being conducted in a timely and effective manner which will significantly help reduce the backlog for non-housing cases. Our backlog reached its

peak in May 2011 when it was 260 cases. At the end of the fiscal year (June 30, 2011), there were 243 cases in the backlog including 2 cases that were more than 5 years old and 50 cases that were over 2 years old. The average age of cases in the backlog at that time was 538 days. As of today (January 31, 2012) we have reduced the backlog to 148 cases and the average age of each case in the backlog has been reduced to 427 days. Additionally, all cases are less than 2 years old and the oldest case awaiting assignment was originally filed in April 2010.

Clearly we have work to do. My goal for the agency is to completely eliminate the backlog by the end of FY13 and reduce the average age of the cases under investigation to less than 300 days. In order to be effective, the process needs to be seamless meaning if a case does not settle during mediation, it is immediately assigned to an investigator.

In FY 11, we completed processing and closed 1,763 cases. During the same period, 1,883 new complaints

were received. Our education and outreach programs reached more than 18,500 people and distributed almost 30,000 pages of materials. At the Iowa State Fair this year, we distributed approximately 2,400 fact sheets, guides and brochures, 2500 children's activities, administered 3,000 civil rights quizzes in three different age groups and gave away 10,000 items with civil rights contact information on it.

Our housing unit continues to grow and the number of cases filed by the ICRC in FY11 increased to 142. Testing by the ICRC helps to ensure that Iowa landlords are aware of the law and how to handle prospective tenants who are disabled, have young children or service animals. Housing cases are primarily resolved through settlement that includes training of the landlords and an end to the discriminatory policy. Thus, the ICRC provides a cost-effective method of resolving issues of discrimination in housing with savings for the landlord as well as the agency.

We made changes to the infrastructure of the agency to improve the ability of our staff to perform their jobs because computers were old, rebuilt and seriously outdated. Some of the steps we took include:

- Update and purchase of all new desktops in the agency as well as to purchase of the necessary licenses to use installed software
  - ~ Audio and Video capabilities to review evidence in a case submitted
- Purchase updated software required for Housing processing
- Obtained WestLaw legal research which is web based legal library with access to state and federal laws, cases, regulations and administrative decisions. This helps the staff stay current on changes or trends in the law as well as conduct legal research as needed at a much faster and more efficient manner than the

two hard back books the agency previously relied upon.

- Update network to enable document scanning in a move to reduce the amount of paper the agency uses as well as provide for faster contact with the parties.
- Updated the phone tree for the first time in more than two decades and reduced the available options for callers to three, thus improving our contact with the public.

We have created and implemented a regimented training program for new hires to ensure they are capable of doing the job and demonstrate they are reliable employees before the end of their probationary period. Because of the type of work we do and our heavy reliance upon good written communication skills, we rewrote the minimum qualifications for a civil rights specialist to include a college degree and investigative experience. We provided meaningful written evaluations to all staff

members identifying strengths and addressing areas of improvement at the end of the fiscal year.

I have also implemented a set of written work rules in March so that all employees are aware of the expectations of the agency with regard to their conduct and performance. I have established accountability within the agency for conduct and production. Some of you may have heard about the individuals who were discovered to have abused the ICRC email and internet. I can assure you that these three individuals were atypical of the staff members at the Commission who are committed and responsible employees.

Other than the backlog, the other area that was a priority for me was improving the number of probable cause findings which has been for years and years abnormally low especially compared with surrounding states. I do not believe the rate has been so low because there has been no discrimination in the State. I think the low numbers reflect issues with the way complaints were



processed and investigated by the Commission.

Improving the number of PC determinations can be accomplished through better screenings and investigations and is a direct result of being able to investigate cases within months of the time they are filed as opposed to years when witnesses are hard to find, memories fade and documents are lost. So far in FY12, we have had 15 PCs in non-housing, compared to an average of 11 PCs per year for the past 5 years and 5 PCs in FY11.

The probable cause cases that are not resolved through conciliation will be taken to public hearings. The agency has only conducted approximately two public hearings in non-housing cases in the past 10 years. Public hearings are essential to the effective enforcement of the civil rights act and to provide the public with confidence that the agency is actively prosecuting cases of discrimination.

The Commission has enjoyed the full support of Governor Branstad this past year. He was very supportive of the Commission during the public disclosure of the

three emailers. He also fully supports our endeavors to eliminate the backlog and improve the probable cause rate. I believe our FY12 and 13 budgets as recommended by the Governor are sufficient for the next two years to maintain current staffing because of the cost savings measures we have implemented as well as the improved efficiency of the processing of complaints that results in increased federal funds. Our biggest goal is to ensure that we remain staffed at the current level because we need sufficient civil rights specialists to process and investigate complaints. Reducing the number of staff reduces our ability to close cases which results in a reduction of federal funding.

A dynamic and credible ICRC that enforces the ICRA ensures that Iowa has a diverse and inclusive workforce and a more welcoming business environment which in turn helps increase the number of jobs in Iowa. It also reduces economic losses from discrimination by ending it

where it is found and reducing the case load of our judicial system.

The mission of the Iowa Civil Rights Commission is to end discrimination within the state of Iowa. To achieve this goal, the ICRC must be an effective and credible law enforcement agency. I am confident that with all of the changes we have implemented we are well on the path to ensure that we are.